III. REMARKS

In the Office Action, Claims 1-17 were rejected under 35 U.S.C. 112 as being indefinite for reasons set forth in the Action. Claims 1-26 were rejected under 35 U.S.C. 101 for reciting non-statutory subject matter for reasons set forth in the Action. The claims are amended to overcome the rejections under 35 U.S.C 101 and 112.

Claims 1, 18 and 23-26 were rejected under 35 U.S.C. 102 as being anticipated by Kawanaka (US 6493340) for reasons set forth in the Action. The dependent claims 2-17 and 19-22 were not discussed separately by the examiner with respect to Kawanaka in the Office Action, nor was an indication given as to whether they would have allowable subject matter upon a curing of the rejections under 35 U.S.C. 101 and 112.

With respect to the rejections of claims 1-17 under 35 U.S.C. 112, the examiner stated that a system is recited in the preamble but that the claim limitation refer to a data package in the system, not the modules of the system. To clarify these claims and to overcome this ground of rejection, claim 1 is amended to show cooperation between a component of the data package and the operation of a module of the system. Claim 1 finds support in present Fig. 2 and in the corresponding text of the present specification on page 2, beginning at line 5, through page 23 at line 20.

The amendments to claim 1 state that the physical layer is provided by the physical layer generator in one of the modules, as shown at element 262 in Fig. 2. The amendment states further that data link layer is provided by a data-link layer generator in the module, as shown at 260, and that the transport layer is provided by a transport layer router in the module, as shown at 258. The amendment also states that the transport layer has a connection number field (shown at 52g in Fig. 1d, and described in the specification on page 19, beginning at line 22) for identifying an object (item 252 in Fig. 2) communicating via the router within the module. Thus, the amendment provides limitations showing cooperation between the data package and the operation

of a module of the system to overcome this ground of rejection in claim 1 and its dependent claims 2-17.

With respect to the rejections of claims 1-26 were rejected under 35 U.S.C. 101 for reciting non-statutory subject matter, the examiner stated that the data structure does not define any functional relationship between the data structure and other aspects of the claim. The examiner noted also that a packet format does not become statutory by being transmitted/received by a module or stored in a computer readable medium. The above-noted amendment to claim 1, as well as corresponding elements made to the other independent claims, are believed to provide the necessary cooperation between an element of the data packet and elements of a communication network/system to place the independent claims, as well as their respective dependent claims, into statutory form, thereby to overcome this ground of rejection.

With respect to the rejections under 35 U.S.C. 102, and in view of the foregoing amendments and further amendments to the claims, the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, considered individually and in combination, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

The teachings of the cited Kawanaka are directed to Network-Address-Duplication Detection, as set forth in the title of the patent. The purpose of Kawanaka is the detection of duplication of network addresses. While a length indicator is used as length information of the header in Kawanaka (as shown in Fig. 3), this indicator does not serve as the length indicator of the complete message. Further, it appears that this reference does not clearly disclose the purpose of the fields "ID Length" and "Maximum Area Addresses".

Also, it is noted that while Kawanaka discloses an extensive listing of information provided in the headers of Figs. 3 and 9, a searching of addresses in Fig. 4, and the use of a router in Fig. 6, there appears to be no disclosure of the arrangement of the three

layers discussed in the present specification, namely, the transport layer, the data-link layer and the physical layer, which form a part of the data packet, and cooperate in the operation of a communication system that transfers the data packet from one module to another module of the system. Possibly, the lack of cooperation set forth in the present independent claims, as noted in the rejections Under 35 U.S.C. 101 and 112 is a reason why the examiner did not cite the arrangement of the three layers as a distinction over Kawanaka.

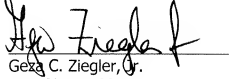
However, the present claims, as amended, include a function for each of the layers with respect to the operation of modules of a communication system or network. Kawanaka does not disclose the same set of layers and functions with respect to the modules of his system.

Accordingly, the cooperation of each of the three layers is set forth in the present amending of the claims, thereby to establish a clear distinction between the presently claimed subject matter and the teachings Kawanaka for overcoming the rejections and showing allowable subject matter in the claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



Gerz C. Ziegler, Jr.
Reg. No. 44,004

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Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512